

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOHN COREY FRASER, ET AL.,

Plaintiffs

v.

**BUREAU OF ALCOHOL,
TOBACCO, FIREARMS
AND EXPLOSIVES, ET AL.,**

Defendants

Case No. 3:22-cv-00410

[PROPOSED] ORDER

Plaintiffs' Motion for Entry of Judgment, ECF No. 28, at 28; ECF No. 18, at 15, is hereby GRANTED. Mr. Justin Timothy Fraser's Motion to Intervene as a named individual Plaintiff, ECF No. 50, pursuant to Rule 24 is hereby GRANTED. The Plaintiffs' request for class certification, ECF 18, at 14, is hereby GRANTED. This action is certified as a class action and such Class is comprised of the following members:

All natural persons and citizens of the United States of America who have attained the age of eighteen but who are not yet twenty-one and who have not been convicted of a felony, who are not fugitives from justice, have not been discharged from the Armed Forces under dishonorable conditions, are not unlawful users of or addicted to any controlled substances, have not been adjudicated as mental defectives or committed to a mental institution, are not on parole or probation, and are not under indictment or restraint.

The Plaintiffs' request for Mr. Elliott M. Harding, Esq. to serve as Class counsel is hereby GRANTED. The Plaintiffs' request for a declaratory judgment and an injunction, ECF No. 28 at 28; ECF No. 18 at 15, is hereby GRANTED.

For the reasons set forth in the Court's Memorandum Opinion, ECF No. 47, the Court hereby declares that the Plaintiffs John Corey Fraser, Joshua Clay McCoy, Tyler Dalton McGrath, Ian Fletcher Shackley, and now Justin Timothy Fraser, and all fellow members of the Class have

a constitutional right to purchase handguns and ammunition from federal firearm licensees, notwithstanding the federal prohibition on such sales to persons between the ages of 18 and 20.

The Court hereby ORDERS that the federal Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them, are hereby permanently enjoined from enforcing 18 U.S.C. §§ 922(b)(1), (c) and any derivative regulations, to include 27 C.F.R. §§ 478.99(b)(1), 478.102, 478.124(a), (c)(1)-(5), (f), and 478.96(b).

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, a final judgment is entered in favor of the Plaintiffs on Count I of the Amended Complaint, ECF No. 18, and the Court does not reach Count II of the Amended Complaint. The Clerk is directed to close this case.

Entered this ____ day of _____, 2023

Robert E. Payne

SENIOR UNITED STATES DISTRICT JUDGE